

MEMORANDUM

DATE: June 24, 2003

TO: Washington State Congressional Delegation

FROM: Washington State Learning First Alliance

RE: The Congressional Role and Responsibility in Supporting Implementation of No Child Left Behind

The Washington State Learning First Alliance (WSLFA) is a new education alliance in Washington State. Its membership and goals are included in the enclosed brochure.

It is important to clearly state that the Washington State Learning First Alliance supports the goal of NCLB. Every child deserves the quality education necessary to realize their individual learning potential. We believe Congress similarly supports the NCLB goal. Nonetheless, we feel compelled to challenge Congress to follow through on the federal commitment to provide states both the necessary fiscal resources and regulatory flexibility that will, in fact, leave no child behind.

Our specific concerns are addressed below:

1. WSLFA supports accountability. It is our view that the unwieldy concept of Adequate Yearly Progress (AYP) will penalize schools and districts and not responsibly advance accountability. Examples of our concern include:
 - Regulations received by the states from the U.S. Department of Education disallow exemptions for English Language Learners (ELL). In Washington, that exemption was valid only in the first year of the student's enrollment in public school. Requiring students who have limited English proficiency to take the state assessments is not sound assessment practice. Additionally, test results for students who are not proficient in English, and often not proficient in their native language, are inappropriately included in the assessment results for accountability purposes. While *all students*, *ethnic groups*, and *poverty* are accurate calculations for Adequate Yearly Progress, ELL, as well as the special education program, by its very design, is an inappropriate AYP measure. **We believe accountability for ELL students, as a separate measure, should be under Title III.**

- The federal regulation relating to students with special needs allows only one percent (1%) of these students - those with the most severe cognitive disabilities - to be assessed via alternate achievement standards. Students facing these disabilities have IEPs to address their needs and measure individual progress. The one percent presents a conflict between ESEA and the legal requirements of IDEA that mandate only an IEP team can decide which child is appropriately assessed by an alternate assessment aligned to alternate standards. To countermand this requirement is not educationally sound and it violates provisions of another federal law. **We believe accountability for special education students should be under IDEA. If this is not allowed, no cap should be applied to this student category.**
- NCLB requires the states to treat student groups as if they are at the same starting point. Benchmark data clearly demonstrate this is not the case. Children are individuals. NCLB does not respect this most basic human fact. **We believe states should be allowed to implement a continuous growth model rather than apply the "uniform state bars" to all accountability.**

2. Technical assistance requirements under NCLB are tremendous. This need will cause the requirements to become an unfunded federal mandate during this time of economic crisis at the state level and economic challenge at the national level. **We believe funding for the leadership necessary to implement effective technical assistance/professional development at the state level must be provided.**

One hundred percent of students reaching proficiency is a laudable goal. It says that each child matters. It says that children need focused attention that is adapted to their individual needs. NCLB has presented serious implementation challenges to all the states. This is especially true for states like Washington that have invested a lot of time and resources in a sustained, thoughtful, strategic initiative to improve the K-12 education journey for every student. Washington State has been working diligently to implement the provisions of the No Child Left Behind Act of 2001 (NCLB). In fact, on April 30, 2003, Secretary Paige approved Washington State's plan, the first plan approved without any attached provisions from the Department of Education.

There is no question that NCLB has caused the states to think outside the box in figuring out how to successfully implement its provisions. That effect of NCLB has been positive. On the other hand, the depth to which that creativity can reach is about exhausted, both in terms of compensating for federal underfunding of NCLB and the fairly inflexible posture of the administrative regulations issued by the U.S. Department of Education.

In summary, our united request is that the following reasonable changes to NCLB be considered:

- Hold schools, school districts, and state education agencies accountable under Title III for students who are English Language.
- Hold schools, school districts, and state education agencies accountable under IDEA for students with special needs. This would retain individualized decisions about the educational programs of students with special needs.
- Allow states to set starting points for each school and district based on their present functioning, keeping the goal of 100% proficient by 2014. This would successfully recognize that the starting point for different student groups and individual school districts are NOT the same.
- Fund leadership necessary at the state level to coordinate a focused effort to realize no child left behind.

We know our students can do better. They are proving it, showing significant progress the last ten years under the state's ambitious reform effort. We know an achievement gap exists that must be eliminated. We know that our professional educators must continue to perfect their instructional skills and hone their analysis and use of test data. State and federal resources are needed to meet the challenges and goal of NCLB.

We seek your expertise and support on how to proceed to bring about the federal statutory and regulatory we believe are necessary.

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Respectfully,

State Board of Education
Governor

Office of the

Superintendent of Public Instruction
State School Directors Association

Washington

Washington Association of School Administrator
Washington School Principals

Association of

Washington Association of Secondary School Principals
Education Association

Washington

Washington State PTA
Association of Student Councils

Washington

Education Service Districts
Supervision and Curriculum Development

Association for

State Board for Community and Technical Colleges
Colleges of Teacher Education

Association of

Partnership for Learning
School Principals Association of Washington

Elementary